

**REMARKS**

Claims 1 and 4-13 are pending. Claims 1, 4-7 are allowed. In light of same, and in light of the following remarks, allowance of all pending claims is respectfully requested.

**Rejections Under 35 U.S.C. § 102**

Claims 8 and 11-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pohjola.

Claim 8 and claims 11-13 each disclose and include a track assembly comprising a frame having a first end and second end. A first idler wheel operably associated with the frame at the first end of the frame. A link pivotally connected at the second end of the frame at a pivot member to pivot in a generally vertical plane about a pivot axis defined by the pivot member, and an imaginary dividing plane being defined by a vertical extension of the pivot axis. A second idler wheel is operably provided on the link. A tensioning device is provided between the frame and the link to maintain an axis of the second idler wheel below the pivot member and on a side of the imaginary dividing plane opposite from the first idler wheel. A continuous track is provided around the first and second idler wheels, the continuous track having a tread portion formed by a lower span of the continuous track.

Pohjola (Patent No. 4,936,639) discloses an apparatus for a turning-track track-laying vehicle, such as a snowmobile. Pohjola provides an intermediate wheel that pivots to maintain contact between the track and the ground at a midpoint. In addition, Pohjola, which discloses a snowmobile, contains two sets of rollers, but only a single continuous track.

As can be seen from the Figures of Pohjola, first idler wheel (15), as identified by the Examiner, is provided on one end of the frame. The Examiner further identifies that a link (21a) is pivotally connected to the second end of the frame at a pivot member (21c) to pivot in a generally vertical plane about a pivot axis defined by the pivot member. The imaginary dividing plane, would then extend vertically from the pivot axis (21c). The second idler wheel (21) identified by the Examiner is on the member (21a). Taking this into consideration, Pohjola, and in particular FIG. 1A, shows both the first wheel (15) and second idler wheel (21) on the same side of the imaginary dividing plane, as defined above. As set forth in claim 8 and claims 11-13, Applicant's tensioning device maintains an axis of the second idler wheel on a side of the imaginary dividing plane opposite from the first idler wheel.

Secondly, if the Examiner identified wheel (14) of Pohjola as the “first idler wheel”, this variation would fail to show a first idler wheel at a first end of the frame, with the second idler wheel on a link at a second end of the frame. Wheel (21) on members (21a & 21c) are on the same end of the frame as wheel (14).

Accordingly, Pohjola does not teach or suggest all the elements of claim 8 or claims 11-13.

In addition to the foregoing, and as previously referenced above, Pohjola discloses only a single continuous track. In comparison, claims 12 and 13 identify two continuous tracks. Accordingly, in addition to the reasons set forth above, claims 12 and 13 are further distinguished from Pohjola.

As has been set forth by Applicant in a prior response, to anticipate, a single prior art reference must disclose each element of the claim under consideration. *W.L. Gore & Associates v. Garlock, Inc.*, 721 F.2d 1540 (Fed. Cir. 1983). Accordingly, in view of the foregoing, and contrary to the Examiner’s conclusions, the teachings of Pohjola do not teach or suggest all of the limitations of claim 8 or claims 11-13. Therefore, these claims are allowable over the references of record.

Moreover, the “over center” position of Pohjola is oriented in a direction opposite to that of Applicant. Under load upon the assembly of Pohjola, and thus on the belt, the orientation of the idler wheel (21) would result in a decrease in belt tension as the load increases. In comparison, Applicant’s device, as a result of the configuration, has an over center position that increases belt tension under load. In fact, Applicant’s design works so effectively that it is can handle over-tension. Accordingly Pohjola does not teach or suggest Applicant’s claimed device.

Accordingly, Applicant respectfully requests that the Examiner withdraw his rejection of claims 8 and 11-13.

#### **Claim Objections and Allowable Subject Matter**

Claims 1, 4-7 are allowed. Claims 9 and 10 are objected to by the Examiner as being dependent upon a rejected base claim. Claims 9 and 10 are dependent upon claim 8. For the reasons set forth above, claim 8 is allowable over the cited references. Accordingly, Applicant respectfully requests allowance of claims 9 and 10.

**CONCLUSION**

Applicant respectfully submits that the device claimed by the instant application contains novel properties not disclosed by the prior art references. Accordingly, withdrawal of the Examiner's rejections is respectfully requested.

In view of the above remarks, it is respectfully submitted that this Application is in condition for allowance and such action is earnestly solicited. However, should the Examiner have any further point of objection, the Examiner is urged to contact the undersigned via telephone so that a mutual agreement with respect to claim limitations can be reached.

Respectfully submitted,

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